

EXAMINER'S AMENDMENT

1. In view of the Appeal Brief filed on 8/9/1, PROSECUTION IS HEREBY REOPENED. An Examiner's Amendment and Reasons for Allowance is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Max Hindenburg/

Supervisory Patent Examiner, Art Unit 3736.

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Applicant's representative Andrew Wilford on 10/20/11.

The application has been amended as follows:

In reference to Claim 1

In line 5 "one-piece" has been deleted.

In line 10 --and substantially rotationally symmetrical about-- has been added after "centered on".

In reference to Claim 5

Claim 5 has been CANCELLED.

3. The following is an examiner's statement of reasons for allowance: The amendment above to claim 1 deleting "one-piece" has obviated the outstanding rejection under 35 U.S.C. 112, first paragraph of claim 1. The deletion of claim 5 has obviated the outstanding rejection under 35 U.S.C. 112, first and second paragraphs of claim 5. The closest prior art of record was found to be US Pat. No. 2,437,408 to Soet ("Soet") and US Pat. No. 4,976,271 to Blair ("Blair"). Neither Soet nor Blair disclose nor does other prior art fairly suggest modifying them to include "a grip part centered on and substantially rotationally symmetrical about the axis and fixed on the rear end of the bridge element rearward of the rear end and outside the free space" in combination with the other claimed features. Because "centered on" is not explicitly defined in the specification, in order to give the term its broadest reasonable interpretation consistent with the specification, it has been given its ordinary meaning of "having a central axis

on.” Additionally, “rotationally symmetrical” has been given its ordinary meaning of “having an appearance matching an initial appearance after a rotation of less than 360° about a point or axis.” Figs. 1 and 2 of the instant application support the Applicant's possession of these limitations, as grip part 7 is clearly depicted as being centered on and substantially rotationally symmetrical to an axis along which the cannula 3 extends and on which a blood inlet 4 is located at one axial end and blood outlet 5 is located at the opposite axial end. As noted in the Appeal Brief of 8/9/11 at pg. 6 these figures, which form part of the original disclosure “clearly show the grip part 7 from two 90° - offset directions, and in both views the part 7 is identical.” It is clear from these figures that changing views in this manner would be a rotation about the axis defined by the cannula, and because the appearance is the same, the invention is rotationally symmetrical about this axis. Additionally, it is clear from these figures that central axis of grip part 7 is on the axis defined by the cannula.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN PANI whose telephone number is (571)270-1996. The examiner can normally be reached on Monday-Friday 10:00 am - 6:30 pm EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on 571-272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JP/ 10/20/11

/Max Hindenburg/
Supervisory Patent Examiner, Art Unit 3736